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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,333	03/28/2001	Mark S. Paxton	P313599	5360
22931	7590	02/28/2005	EXAMINER	
HUGHES LAW FIRM, PLLC PACIFIC MERIDIAN PLAZA, SUITE 302 4164 MERIDIAN STREET BELLINGHAM, WA 98226-5583			MOONEYHAM, JANICE A	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/821,333

Applicant(s)

PAXTON ET AL.

Examiner

Jan Mooneyham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This is in response to the applicant's communication filed on March 28, 2001. Claims 1-14 are currently pending in this application.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on March 28, 2001 is being considered by the examiner.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 has the following language which is unclear:

A queue setting operation comprising a first interrogator adapted to receive signals from the receivers where the first reader uploads the unique identification tags of the receivers and the first reader is in communication with the central processor to transmit information thereto;

Claim 1 recites the limitation "the first reader" in step four, lines 17 and 18. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the second reader" in step five, line 23. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the unique identification tags" in line 11. There is insufficient antecedent basis for this limitation in the claim.

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Claims 2-4 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The wording where the first interrogator is an magnetic field of reader adapted to transmit a magnetic signal is unclear.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 7, and 10 rejected under 35 U.S.C. 102(e) as being anticipated by Waytena et al (US 6,748,364) (hereinafter referred to as Waytena).

Referring to Claim 1:

Waytena discloses a system to substantially remove lines for an attraction where a number of patrons desire to attend the attraction and the system comprises:

a transmitter system having a transmitter device adapted to transmit signals (Fig. 1A (112). 1B (124) col. 3, lines 8-12),

a central processor comprising a queue and a processing system, where the processing system transmits signals to transmitter system for sending information therefrom, and the queue is adapted to hold place-holdings which contain unique identification tags (Fig. 1)

Reservation System (100) col. 5, lines 14-15),

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a plurality of receivers each having unique identification tags and the receivers adapted to receive the said information from the transmitter system transmitted from the central processor (col. 2, lines 12-15, col. 7, lines 20-24, col. 9, lines 45-51 Request ID 422),

a queue setting operation comprising a first interrogator adapted to receive signals from the receivers where the first reader uploads the unique identification tags of the receivers and the first reader is in communication with the central processor to transmit information thereto (Virtual queue Fig. 2 (210), Col. 10, lines 3-23), col. 10, lines 61-65)

a queue decrementing operation comprising a second interrogator that is adapted to receive signals from the said receivers where the second reader uploads the unique identification tags of the receivers, the second interrogator is in communication with the central processor and signals from the queue decrementing operation are adapted to remove place holdings from the queue where the place holdings comprise the unique identification tags from the respective receivers (Fig. 2 (212) col. 21, line 56 thru col. 22, line 9, col. 22, lines 39-50),

an entrance regulation system adapted to permit or deny entrance to the attraction for the patrons where the entrance regulation system is controlled by the queue decrementing operation where when a place holding is removed from the queue, the entrance regulation system is adapted to allow access for the patron possessing the receiver having the unique identification of the place holding that was removed from the queue (col. 21, lines 57-58, col. 3, lines 51-57,

whereas, a patron indicates to the first interrogator of the queue setting operation a request to have a place-holding in the queue, the central processor receives the request and

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creates a place-holding on the queue where the place-holding comprises the identification tag, as higher priority place-holdings are removed from the queue, the lower-priority place holdings advance in the queue, the receiver transmits its unique identification tag to the queue decrementing operation where the second interrogator reads the unique identification tag and the unique identification tag is transmitted to the central processor to query the for a place-holding having the same identification tag and if the returned place-holding is within a specified high priority range, the entrance regulation system allows the user to enter to the event (Queue updater 212 col. 11, lines 9-25, col. 12, lines 5-11, col. 19, lines 21-31, col. 22, lines 39-50)

Waytena further discloses a user interface (Fig. 2 (201) and the system used in an amusement park (col. 2, lines 36-47).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-6 and 8-9 rejected under 35 U.S.C. 103(a) as being unpatentable over Waytena.

Waytena does not disclose magnetic signals or magnetic fields or kiosk or antenna transmitters or the Internet. However, magnetic signals are old and well known, as smart cards or smart passes used on interstate travel to get through toll booths, and antenna transmitters are

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old and well known as radio frequency transmitters, and making reservations over an Internet are old and well known.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate any of these into the system of Waytena since they were known to one of in the art at the time.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sim discloses a queue management system with a signal transmitting means.

Peter Jones discloses waiting time and a review of how queue management may be carried out.

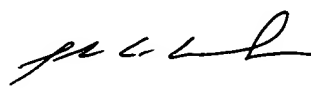


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janice A. Mooneyham whose telephone number is (703) 305-8554 (after April 13, 2005 number will be (571) 272-6805). The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702 (after April 13 number will be (272) 571-6812). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM



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